

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

EXPERIAN INFORMATION SOLUTIONS, INC.	§	
	§	
	§	
v.	§	Case No. 4:10-CV-144
	§	Judge Schneider/Judge Mazzant
	§	
LEXINGTON ALLEN L.P.,	§	
LEXINGTON ALLEN MANAGER LLC,	§	
and LEXINGTON REALTY TRUST	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 7, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Lexington Realty Trust's Motion for Summary Judgment (Dkt. #101) should be granted in part and denied in part.

The Court, having made a *de novo* review of the objections raised by Defendant, as well as the contingent objections of Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant Lexington Realty Trust's Motion for Summary Judgment (Dkt. #101) is **GRANTED** in part and **DENIED** in part. The claims for fraudulent inducement, promissory estoppel, and quantum meruit are dismissed. The claims for alter ego liability, joint venture, fraudulent omission/fraud in the performance, and Section 91.004 of the Texas Property Code remain.

It is SO ORDERED.

SIGNED this 28th day of April, 2011.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE